

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

TONI M. CONWAY,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

Case No. CIV-14-500-RAW-KEW

ORDER REMANDING CASE FOR FURTHER PROCEEDINGS

On March 8, 2016, the United States Magistrate Judge entered a Report and Recommendation, recommending that the above-styled case be reversed and remanded for further proceedings. The Magistrate Judge found that the decision of the Commissioner is not supported by substantial evidence and the correct legal standards were not applied. Specifically, the Magistrate Judge found, *inter alia*, that the ALJ failed to properly consider the opinions of Dr. Gonzalez, Dr. Hansen and Dr. LaGrand. The Magistrate Judge directed the ALJ upon remand to properly consider those opinions, to reconsider Plaintiff's headaches, obesity, hand and finger impairments, medication side effects and restroom requirements in his RFC determination and then to reassess his step five analysis.


The Government filed an objection on March 22, 2016, arguing, *inter alia*, that the ALJ properly considered Plaintiff's treating physicians' opinions and that the Magistrate Judge failed to consider that any error could have been harmless, and requesting that the court affirm the final agency decision. Plaintiff filed a response to the objection on March 28, 2016, arguing that the

Government's objections are based on previously-argued impermissible *post hoc* rationalizations and that the Magistrate Judge applied the correct legal standards. The court agrees.

Upon full consideration of the entire record and the issues herein, this court finds that the Magistrate Judge's recommendation to reverse the ALJ's decision and remand this action for further proceedings is well-supported by the facts and the law. Accordingly, the Report and Recommendation of the United States Magistrate Judge is hereby affirmed and adopted as this court's Findings and Order.

IT IS THEREFORE ORDERED that the decision of the Administrative Law Judge is hereby **REVERSED** and this case is hereby **REMANDED** pursuant to the fourth sentence of 42 U.S.C. §405(g) for further administrative proceedings.

IT IS SO ORDERED this 30 day of March, 2016.



THE HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA